

Keller Crescent Co., Inc. and Local 505-M, Graphic Communications International Union, AFL-CIO, Petitioner. Case 14-RC-11965

September 29, 1998

ORDER DENYING REVIEW

BY MEMBERS FOX, LIEBMAN, AND HURTGEN

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel, which has considered the Employer's request for review of the Regional Director's Decision and Direction of Election (pertinent parts of which are attached as an appendix). The request for review is denied as it raises no substantial issues warranting review.¹

APPENDIX

REGIONAL DIRECTOR'S DECISION AND DIRECTION OF ELECTION

The Petitioner seeks a unit of all production and maintenance employees including three quality assurance monitors employed by the Employer at its St. Louis, Missouri facility. There are approximately 46 employees in the petitioned-for unit. The Employer, contrary to the Petitioner, contends that the quality assurance monitors should be excluded from the unit because they lack a sufficient community of interest with the production and maintenance employees.

The Employer, at its St. Louis facility, manufactures various types of packing containers, including folding cartons, food packaging, and pharmaceutical and nutritional packaging. The manufacturing process involves feeding raw paper into presses that print the information needed by the customer, including the title, strength, and item code on the cartons, and then the cartons are varnished and die cut. Other machines glue and fold sections of folding cartons. Production employees include pressmen and second pressmen who operate presses, pre-production plate room employees, and ink room employees. Production and maintenance employees have a different department code than do the quality assurance monitors who are in the quality control department. All the Employer's departments are housed in one large facility.

Production and maintenance employees work three shifts. These shifts are continuous and do not overlap. The three quality assurance monitors also work three shifts, with one monitor

on each shift. The production and maintenance employees report to the production shift supervisor; there are three shift supervisors, one for each shift. The shift supervisors, in turn, report to Plant Manager Ted McQueary, who reports to the vice president/general manager. The quality assurance monitor on the first shift reports to Ken Branson, the quality control supervisor. The quality assurance monitors on the second and third shifts report to one of the production shift supervisors. Quality Control Supervisor Branson reports to the vice president of quality. Both the vice president/general manager and the vice president of quality report to the president and CEO of the Employer. There are no educational requirements for the position of quality assurance monitor. Quality assurance monitors do not receive any formal technical training, though they do receive some on-the-job training. At least one quality assurance monitor has also taken a statistics class.

The three quality assurance monitors are primarily responsible for testing the product to ensure that the finished product meets the customer's preestablished specifications and quality. Quality assurance monitors spend 95 percent of their time on the production floor at various quality assurance stations where they test the product and run product samples. Quality assurance monitors are responsible for making two audits of all the production equipment per shift. During these audits, the quality assurance monitors perform quality checks and document these checks. Quality assurance monitors take product samples off the machines and evaluate the quality of the product by looking at various characteristics including color, print clarity, adhesion, and the slickness and durability of the ink. The equipment used by the quality assurance monitors in performing the tests include computers which check the color of the print; a rub tester which checks the ink to determine if the ink will rub off when the product is shipped; a bar code scanner which verifies that the proper code is on the product; and a heat sealer tester which tests the adhesion of the glue on folded cartons.

If the quality assurance monitor determines that the product does not meet the customer's specifications, the quality assurance monitor notifies either the quality control supervisor or the production shift supervisor. The quality assurance monitor cannot stop production, nor does the quality assurance monitor discipline production employees for defects in the product. The production shift supervisor or the quality assurance monitor decides if the product should be quarantined for further evaluation on whether the product should be salvaged or destroyed. In the absence of a shift supervisor, the quality assurance monitors can quarantine a product based on preestablished standard operating procedures for quality control, but they have no authority to decide whether the product is kept or thrown out. The production shift supervisors do confer with the quality assurance monitors on whether the product should be destroyed.

The remaining 5 percent of the quality assurance monitor's time is spent documenting that the product meets the customer's specifications. The standard check sheets on the product quality are generally kept in the quality control supervisor's office. While the quality assurance monitors fill out most of these forms, some of them are filled out by the production employees including the pressmen. Any documentation that is filled out by the production employees is checked by the quality assurance monitor to ensure that the form was filled out correctly. The quality assurance monitors file samples, or batch records, of each production run, which includes the first and

¹ The only issue raised in the request for review was whether the Regional Director erred in finding appropriate the petitioned-for production and maintenance unit, including three quality assurance monitors. In denying review of the Regional Director's decision, the Board notes that the cases relied on by the Employer, *Arkansas Grain Corp.*, 163 NLRB 625 (1967); and *Beatrice Foods*, 222 NLRB 883 (1976), are distinguishable. In *Arkansas Grain*, the excluded laboratory technicians were separately supervised, worked in a separate building, had only occasional contact with production employees, did not interchange with the production employees, and were paid differently from unit employees. In *Beatrice Foods*, the Board sustained challenges to the ballots of two quality control employees who were separately supervised, worked in a separate location, and had no regular contact with production and maintenance employees.

last piece of the product run, and these batch records are filed in a quality control lab which is near the production area.

Quality assurance monitors have contact with the production employees on a daily basis. The quality assurance monitors work alongside the production employees on the work floor. Production employees frequently confer with the quality assurance monitors regarding whether a product is within the customer's specifications and whether a particular problem, such as broken lettering, should be brought to the attention of management. Production employees also use some of the same equipment used by the quality assurance monitors, including the bar code scanner which has been used by the pressmen to check the codes on the product they are running. Production and maintenance employees and the quality assurance monitors receive the same benefits including health benefits, vacation, and profit sharing. The quality assurance monitors, like the production employees, must receive approval for vacation days or days off from the plant manager. Quality assurance monitors receive their reviews from the plant manager or the production shift supervisor.

Quality assurance monitors, like the production employees, are hourly employees and they punch the same timeclock. The quality assurance monitors work the same hours and have the same number of breaks and the same 20-minute lunch period as the production employees, though not all the employees take their breaks and lunch at the same time. Quality assurance monitors eat their lunch in the same cafeteria, share lockers with, and wear the same brown uniform as production employees. The record does not specify the wages of the quality assurance monitors or those of the production employees. The record reflects that the quality assurance monitor's wages are similar to some of the production classifications, higher than some classifications, and lower than others. Quality assurance monitors also transfer into production jobs, and production employees can transfer into quality assurance positions, though

the record fails to reflect the frequency of these transfers. At least one of the three quality assurance monitors was a production employee prior to taking the position of quality assurance monitor. The quality assurance monitors also perform production work on an as needed basis when the Employer is short-handed or when the production employees need to be relieved for breaks, lunches, or other reasons. Again the record fails to reflect the frequency with which quality assurance monitors perform production work.

Despite the fact that at least one of the quality assurance monitors reports to a different supervisor than the production employees, and despite the fact that the quality assurance monitors are in a separate department than the production employees, the testing and sampling work of the quality assurance monitors is functionally integrated into the Employer's production operations. The Board has found that the role of quality control is a vital part of the production process. *Hogan Mfg.*, 305 NLRB 806, 807 (1991). The quality assurance monitors spend 95 percent of their time on the production floor and 5 percent of their time in the quality assurance lab filing paperwork and samples. Quality assurance monitors have regular, daily contact with the production employees when they are performing tests on the production floor. Production employees also confer with the quality assurance monitors about the quality of a product. As hourly employees, the quality assurance monitors share similar terms and conditions of employment with employees in the production department, including the same work rules and identical fringe benefits. I find, therefore, that the quality assurance monitors share a community of interest with the employees in the production and maintenance unit and are appropriately included in the unit. *Virginia Mfg. Co.*, 311 NLRB 992 (1993); *Blue Grass Industries*, 287 NLRB 274 (1987); *Lindberg Heat Treating Co.*, 245 NLRB 1133 (1979); and *Exxon Co., U.S.A.*, 225 NLRB 10 (1976).